

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

In Re: Clarence D. Welch

**Motion and Notice  
Chapter 13**

No: B-10-80522 C-13D

Debtor(s)

The undersigned Standing Trustee respectfully moves the Court for an order as follows:

On July 6, 2010, the Debtor's plan was confirmed. The Confirmation Order provided that the claim of Beneficial secured by a second deed of trust on the Debtor's real property located at 801 Park Ave., Durham, NC ("the real property") would be allowed as an unsecured claim in that no equity exists in the real property over and above the first deed of trust to secure said claim. The bar date for creditors to file claims in this case was July 29, 2010. On October 15, 2010, Beneficial filed a claim in the amount of \$4,351.20 which was untimely filed.

The Standing Trustee respectfully recommends to the Court that an Order be entered disallowing the claim of Beneficial in the amount of \$4,351.20 as untimely filed pursuant to Rule 3002 of the Federal Rules of Bankruptcy Procedure.

Date: October 27, 2010  
ej

s/Richard M. Hutson, II  
Standing Trustee

**NOTICE**

TAKE NOTICE THAT any interested party who has an objection to the Motion MUST FILE A WRITTEN OBJECTION on or before December 7, 2010, with the parties named on the attached Parties To Be Served list and with the U.S. Bankruptcy Court at the following address:

*101 S. Edgeworth Street  
Greensboro, NC 27401*

If no objections are filed within the time period, the Court will consider this motion without a hearing. If objections are timely filed, a hearing on the motion will be held on December 16, 2010, at 11:00 a.m., in the following location:

*Courtroom, Venable Center  
Dibrell Building – Suite 280  
302 East Pettigrew Street  
Durham, NC 27701*

Date: October 27, 2010

OFFICE OF THE CLERK  
U.S. Bankruptcy Court

**PARTIES TO BE SERVED**

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